IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7080 of 2004

For Approval and Signature:

HONOURABLE MR.JUSTICE K.M.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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UNJHA SPICES PROCESSING AND MARKETING COOP. SOCIETY LTD. - Petitioner(s)

Versus

STATE OF GUJARAT & 4 - Respondent(s)

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Appearance :

MR TUSHAR MEHTA for Petitioner(s) : 1,
MS FALGUNI PATEL, AGP for Respondent(s) : 1 - 3.
RULE SERVED for Respondent(s) : 4,
NANAVATI ASSOCIATES for Respondent(s) : 5,5.2.1

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CORAM : HONOURABLE MR.JUSTICE K.M.MEHTA

Date : 22/09/2006

ORAL JUDGMENT

In this matter, Mr.Tushar Mehta, learned advocate for the petitioner, under instructions from his client, states that he seeks to withdraw this petition. He would produce a written consent before this Court in this behalf and he may be permitted at

this stage, to withdraw the petition in view of the order dated 6.7.2004 (Coram: Jayant Patel). By the said order, this Court had directed the auction purchaser to deposit Rs.10 lacs within a period of two weeks and from the date of the order and shall also to file undertaking that further amount of Rs.15 lacs shall be deposited within a period of 15 days from the date of that order. However, only an amount of Rs.10 lacs have been deposited before this Court. Therefore, without going into further details, this petition will stand disposed of as per the consent terms that may be produced before this Court. As such, the amount of Rs.10 lacs deposited by the petitioner before the Registry of this Court may be handed over to the petitioner Unjha Spices Processing & Marketing Co.op. Society Ltd. By an account payee cheque after Mr.Tushar Mehta, learned Advocate identifies the petitioner and on verification by the Registrar of this Court. The entire exercise shall be completed before 31st Dec.2006.

In view of the order passed in Special Civil Application No. 4718 of 2004, the Revision Application filed by the petitioner in Special Civil Application No.7080 of 2004, the appeal before the Registrar, Cooperatives, as well as OJMCA No.137 of 2006 do not survive and they stand disposed of. Rule is discharged in Special Civil Application No. 7080 of 2004 and interim relief stands vacated. No costs.

(K.M.Mehta, J.)

Sreeram.